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OFFICE OF PETITIONS

In re Application of :
Herbert Bruder et al :
Application No. 10/074,145 : DECISION ON PETITION
Filed: February 12, 2002 :
Attorney Docket No. P02,0056 :

This is a decision on the communication, filed February 5, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting that this application not be deemed to be abandoned.

The petition is GRANTED.

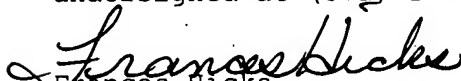
The issue and publication fees in this application were not paid on or before April 4, 2006, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed January 4, 2006.

Petitioner asserts that the Notice dated January 4, 2006 was not received.

A review of the written record indicates that the Notice dated January 4, 2006 was returned to the Office as undeliverable because of an insufficient address. However, it appears that the address may not have appeared in the window of the envelope, since the address on the Notice is the address of record. Therefore, as it is clear that the Notice of January 4, 2006 was not received by petitioner, it would be appropriate to not hold this application abandoned. Accordingly, this application will not be held abandoned for failure to timely pay the issue and publication fees on or before April 4, 2006.

As the issue and publication fees have been paid, it is unnecessary here to re-mail the returned Notices of January 4, 2006. Accordingly, this application is being referred to Publishing Division for appropriate processing into a patent in accordance with this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions